

**Permitting & Assistance Branch Staff Report**  
New Solid Waste Facilities Permit for the  
KORE Infrastructure Plant #1  
SWIS No. 36-AA-0493  
January 25, 2017

**Background Information, Analysis, and Findings:**

This report was developed in response to the San Bernardino County Department of Public Health Environmental Health Division Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit for KORE Infrastructure Plant #1, SWIS No. 36-AA-0493, located in the City of Rialto and owned by Pegasus LH, LLC and operated by KORE Infrastructure LLC. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on January 4, 2017. A new proposed permit was received on January 17, 2017. Action must be taken on this proposed permit no later than March 18, 2017. If no action is taken by March 18, 2017, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

**Proposed Project:**

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	KORE Infrastructure LLC
Owner	Pegasus LH, LLC
Facility Type	Engineered Municipal Solid Waste (EMSW) Conversion Facility and Transfer/Processing Facility
Proposed Hours/Days of Operation	24 hours per day, 7 days per week
Proposed Maximum Tonnage	288 Tons Per Day (TPD) of Biosolids (see LEA condition 17e.)
Proposed Traffic Volume	14 Transfer Vehicles (not Including Employees' Vehicles)
Proposed Area (acres)	5.25
Storage Limit	172 Tons of EMSW and 864 Tons of Biosolids on Site at Any Given Time
Waste Types	EMSW and Biosolids

## **Background**

The operator proposes to operate a new Transfer/Processing Facility and Engineered Municipal Solid Waste Conversion facility. The operator proposes to receive Class A and Class B biosolids that contain 70-80% moisture normally designated for disposal, via truck. The biosolids will be dried on-site to a moisture content of 5% or less to meet the less than 25% moisture content requirements as EMSW. The EMSW will be converted into a liquid diesel.

## **Findings:**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

Public Resources Code (PRC) and 27 CCR Sections	Findings	
PRC 40131.2(a) Eight Part Test to Meet EMSW Requirements	The LEA found the facility qualified as an Engineered Municipal Solid Waste Conversion Facility on October 25, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 22, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21685(b)(2) LEA Five Year Permit Review	This is a proposed new facility so a Permit Review Report is not required	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 17, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 4, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum, dated January 10, 2017. The facility is also identified in	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Public Resources Code (PRC) and 27 CCR Sections	Findings	
	the Countywide Siting Element as described in their memorandum dated January 25, 2017.	
27 CCR 21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on January 4, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
27 CCR 21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 17, 2016. No written comments were received by LEA or Department staff. No oral comments were received by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

The Permitting & Assistance Branch staff have determined that the design and operations described in the submitted Transfer/Processing Report will allow the proposed facility to comply with State Minimum Standards.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Rialto, Development Services Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The issuance of the proposed permit will authorize the following: operation of a Transfer/Processing Facility and Engineered Municipal Solid Waste Conversion facility with a maximum permitted tonnage of 288 TPD of Biosolids, operating 24 hours per

day, seven days per week. This project is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2015031018, was circulated for a 30-day comment period from March 5, 2015 to April 3, 2015. The MND was adopted by the City of Rialto on May 27, 2015, and a Notice of Determination was filed on May 28, 2015.

The San Bernardino County Environmental Health Division (LEA) has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND approved by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on November 17, 2016, at 150 South Palm Avenue, in the City of Rialto. One member of the public was in attendance. The LEA received no written or oral comments.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on January 24, 2017. No comments have been received by Department staff.